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Attorneys for Defendants KAISER ALUMINUM
CORPORATION and KAISER ALUMINUM &
CHEMICAL CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOSS LANDING COMMERCIAL PARK
LLC,

Plaintiff,

v.

KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
CORPORATION, and DOES 1 through
100,

Defendants.

CASE NO. C07 06072 RMW/PVT

**STIPULATION AND []
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

WHEREAS, plaintiff Moss Landing Commercial Park ("MLCP") has filed and served its First Amended Complaint upon defendants Kaiser Aluminum Corporation and Kaiser Aluminum & Chemical Corporation (collectively, the "Kaiser Defendants"), and the Kaiser Defendants have answered such Complaint;

WHEREAS, the Kaiser Defendants assert that this action is barred by the relief granted to the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware Bankruptcy Court requiring MLCP to dismiss its Complaint;

WHEREAS, MLCP appealed therefrom, and the Delaware District Court has upheld the order of the Delaware Bankruptcy Court;

1 WHEREAS, MLCP has appealed the Delaware District Court's order to the Third Circuit
2 Court of Appeals;

3 WHEREAS, the parties have completed briefing the appeal to the Third Circuit and are
4 awaiting a decision; and

5 WHEREAS, the parties wish to conserve judicial resources and their litigation expenses.

6 NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and
7 respectfully request that the Court enter an order as follows:

8 1. The Case Management Conference currently scheduled for June 4, 2010, shall be
9 continued to September 3, 2010 at 10:30 a.m. in Courtroom 6.

10 2. Not later than August 27, 2010, the parties shall file a joint Case Management
11 Conference Statement.

12 Dated: May 25, 2010

LAW OFFICES OF CHRISTOPHER C. CAYCE

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14 By: /s/ Christopher C. Cayce
CHRISTOPHER C. CAYCE
15 Attorneys for Plaintiff MOSS LANDING
16 COMMERCIAL PARK LLC


17 Dated: May 25, 2010

JONES DAY

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19 By: /s/ Thomas M. Donnelly
THOMAS M. DONNELLY
20 Attorneys for Defendants KAISER ALUMINUM
21 CORPORATION and KAISER ALUMINUM &
22 CHEMICAL CORPORATION

23 **IT IS SO ORDERED.**

24 Dated: 6/2, 2010



The Honorable Ronald M. Whyte
United States District Court Judge